

01/15/99



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No: CGNE.099.03US

Applicant: Knauf *et al*  
Serial No.: Not Yet Assigned

Examiner: Not Yet Assigned  
Art Unit: Not Yet Assigned

Filed:  
Title: METHODS AND COMPOSITIONS FOR REGULATED TRANSCRIPTION  
AND EXPRESSION OF HETEROLOGOUS GENES

jc551 U.S. PTO  
09/232861  
01/15/99

BOX PATENT APPLICATION

Commissioner for Patents and Trademarks  
Washington, D.C.

#3/Pre-A  
F.R.  
05/21/99

Sir:

This is a request for filing a patent application under 37 CFR § 1.53(b) in the name of inventors: Vic C. Knauf and Jean C. Kridl

For: METHODS AND COMPOSITIONS FOR REGULATED TRANSCRIPTION  
AND EXPRESSION OF HETEROLOGOUS GENES

This application is a ☒ Continuation ☐ Divisional ☐ Continuation-in-part  
of USSN 08/812,665 filed on March 7, 1997.

Application Elements:

- 87 Pages of Specification, Claims and Abstract
- 40 Sheets of ☒ formal ☐ informal Drawings
- ☒ Declaration  
☐ Newly executed (original or copy)  
☒ Copy from prior application (37 CFR 1.63(d) for a continuation or  
divisional).

The entire disclosure of the prior application from which a copy of the  
declaration is herein supplied is considered as being part of the disclosure

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Label No.: 2608249917445

Date of Deposit: 1-15-99

I hereby certify under 37 C.F.R. 1.10 that this correspondence is  
being deposited with the United States Postal Service as "Express  
Mail Post Office to Addressee" with sufficient postage on the date  
indicated above and is addressed to the Commissioner of Patents  
and Trademarks, Washington, D.C., 20231.

maian to or e  
(Signature)  
maian FOSTER  
(Printed Name)

of the accompanying application and is hereby incorporated by reference therein.

☐ Deletion of inventors Signed statement attached deleting inventor(s) named in the prior application, *see* CFR 1.63(d)(2) and 1.33(b).

Accompanying Application Parts:

☐ Assignment and Assignment Recordation Cover Sheet (recording fee of \$40.00 enclosed)

☐ Power of Attorney

☐ 37 CFR 3.73(b) Statement by Assignee

☐ Information Disclosure Statement with Form 1449

☐ Copies of IDS Citations

☒ Preliminary Amendment

☒ Return Receipt Postcard

☐ Small Entity Statement(s)

☐ Statement filed in prior application.

Status still proper and desired.

☒ Other:

**Copy of Assignment recorded in prior application to Calgene, Inc (now Calgene, LLC)**

☒ **Copies of Power of Attorney and Revocation and Appointment of New Power of Attorney filed in prior application**

Claim For Foreign Priority

☐ Priority of \_\_\_\_\_ Application No. \_\_\_\_\_ filed on \_\_\_\_\_ is claimed under 35 U.S.C. § 119

☐ The certified copy has been filed in prior application U.S. Application No. \_\_\_\_\_

☐ the certified copy will follow.

Extension of Time for Prior Pending Application

☐ A Petition for Extension of Time is being concurrently filed in the prior pending application. A copy of the Petition for Extension of Time is attached.

Amendments

☐ Amend the specification by inserting before the first line the sentence:

☐ Continuation ☐ Continuation-in-part ☐ Divisional

☐ International Application \_\_\_\_\_ filed on \_\_\_\_\_, which designated the United States, disclosure of which is incorporated herein by reference."

☒ Cancel in this application original claims 1-16 of the prior application before calculating the filing fee.

Fee Calculation (37 CFR § 1.16)

				<u>Small Entity</u>		<u>Large Entity</u>	
<u>Basic Fee</u>				\$380		\$760	
<u>Claims Fee</u>	<u>No. of Claims Remained after Amend</u>	<u>No. Claims Included In Basic Fee</u>	<u>Pres. Extra</u>	<u>Rate</u>	<u>Fee</u>	<u>Rate</u>	<u>Fee</u>
Total:	43	20	23	x \$11 =	\$-0-	x \$22 =	\$396
Indep:	7	3	4	x \$41 =	\$00	x \$82 =	\$312
[X] Multiple dependent claims				\$130		\$260	
<b>Total Filing Fee:</b>						<b>\$1728.00</b>	

**TOTAL FEES: \$1728.00**

- [X] A check including the amount of the above-indicated TOTAL FEES is attached.
- [ ] Please charge Deposit Account No.18-0020 in the amount of \$.
- [X] A check in the amount of \$1,728.00 is attached.
- [ ] No fee is required.
- [X] Conditional Petition for Extension of Time: An extension of time is requested in the present and/or the above-referenced parent application to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered.
- [X] The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 18-0020.
- [X] Any filing fees under 37 CFR 1.16 including fees for the presentation of extra claims.
- [X] Any parent application processing fees under 37 CFR 1.17.

[X] A duplicate copy of this sheet is attached for accounting purposes.

Respectfully submitted,

Dated: January 15, 1999

By: Barbara Rae-Venter  
Barbara Rae-Venter, Ph.D.  
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